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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,958	03/08/2001	Louise Mary Wasilewski	A-6979	8732

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2623

NOTIFICATION DATE	DELIVERY MODE
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11/05/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No. 09/801,958	Applicant(s) WASILEWSKI, LOUISE MARY	
	Examiner KIEU-OANH BUI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 23-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2007 has been entered.

Remark

2. Claims 1-20 and 22 have been previously cancelled, and claims 21 and 23-38 are pending for reconsideration.

Response to Arguments

3. Applicant's arguments with respect to claims 21 and 23-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 21 is objected to because of the following informalities: on line 2 of claim, "... a least..." should be corrected as -- at least -- instead. Appropriate correction is required.

Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (US Patent 6,931,657 B1) in view of Arsenault et al. (US Patent No. 5,886,995).

In regard to claim 21, Marsh discloses a selectable recording device for recording options to record at least a portion of a particular program, the particular program including a plurality of content streams, the device comprising "a storage device configured to store program information received from an input source, wherein the program information includes a plurality of content streams for a plurality of program events" (Figs. 1 & 3 and col. 2/lines 17-41 and col. 4/lines 19-31); and "a processor configured to: provide a user option to select a desired subset of content streams for a particular program event for recording, wherein the subset excludes at least one available content stream from the program event" (refer to col. 4/lines 19-31 for a set top box comprising a processor as noted; and col. 4/line 60 to col. 5/line 25 for the operation of the set top box in filtering or selecting which subset is of interest to the user/viewer; and particular, as noted in col. 5/line 25 to col. 6/line 8, Marsh shows an example of which subset or identifiable characteristic (content segments – meaning a portion of a particular program containing a plurality of content streams) that can be found in the EPG database to include or exclude for recording, for example, selectively identifying a show with Ms. Julia Roberts but not guest

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appearances on talk shows and the like etc; and further as noted in col. 7/lines 40-61, closed caption text or supplemental information associated with a program and/or separate audio program for English can also be identified for recording or opt out; and "receive user input indicating the desired subset of content streams from the program event for recording" (col. 7/lines 20-39 as the user can select or opt out what is interested to him by editing a list of candidate programs to be recorded, with all of the capabilities for identifying an interest program as noted in col. 4/lines 37-48).

Marsch does not further reveal the detailed that "the plurality of content streams including an audio stream for the program, a video stream for the program, and a data stream for the program" (as pre-amended) such that at least a portion of a particular program can be selectively record; however, Arsenault teaches an exact same technique as Arsenault shows that a map that contains program information being provided from resources to the user devices comprising video stream, audio stream and data stream (Fig. 7 and col. 20/line 35 to col. 21/line 40); and the map is provided to the local receiver as an edit decision list for "pick and choose" from the resources the subset of events from the map, which a subset of streams can be forwarded to a recording device for selectively recording (Arsenault, col. 26/line 62 to col. 27/line 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsch's system with Arsenault's teaching technique in order to selectively record any subset of the receiving streams, i.e., whether a video stream, an audio stream or a data stream from content streams at the recording device as desired.

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In regard to claims 29 and 34, Marsh discloses that the stream contains audio and video information (refer to col. 5/lines 1-25 & col. 7/lines 40-61).

In regard to claims 23, 30 and 35, Marsh further discloses "wherein the desired subset of content streams include no more than two types of the following types of content streams: an audio stream, a video stream, and a data stream" (col. 4/lines 9-18 wherein MPEG format contains audio and video streams).

In regard to claims 24 and 31, Marsh discloses a decryption device (col. 5/lines 50-59 as the set top box has a capability to decrypt viewer profile information and other information as the STB interfaces with media system 100, which also inherently suggests the decryption of scrambled programming).

In regard to claim 25, Marsh teaches this feature as program contents are parsing at content buffer as the processor determines which content stream is available (Fig. 3 and col. 6/lines 28-53).

In regard to claim 26, Marsh discloses identifying at least on packet identifier that represents at least one content stream within the transport stream (refer to col. 6/lines 28-45 as content are buffered in the pipe in a FIFO form as a shift register- understood as for counting and identifying purpose for the content stream).

In regard to claim 27, Marsh inherently teaches at least one decoder configured to decode at least one content stream (col. 4/lines 19-48, the set top box is equipped with a decoder for handling MPEG stream for displaying to the user).

In regard to claims 28 and 33, Marsh discloses a receiver and control system as discussed for claim 21. Refer back to claim 21 for the teaching of Arsenault for the content streams and the technique of selectively record any subset of the streams.

In regard to claim 32, see claims 25 and 26.

In regard to claim 38, Marsh suggests "a reverse path coupled to the control system, the reverse path configured to communicate user input to the control system" and "a distribution system configured to communicate the at least one requested content stream to the user device" (Fig. 3 and col. 7/lines 10-39 for a feedback mechanism as well as the user can interactively provide the user's input for requesting the interested list of content to him).

7. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh and Arsenault in view of Hoffberg et al. (US Pat No 6,418,424).

In regard to claims 36-37, Marsh and Arsenault do not explicitly disclose a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator. Hoffberg teaches the modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator so as to allow proper communications between the transmitting site and receiving site. Consequently, it would have been obvious to one of ordinary skill in the art to modify Marsh's with a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator for the stated advantage.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ten Kate et al. and Eldering et al (PTO-892 attached) disclose systems related to recording and content streams.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, which alternate Friday off.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB

Oct. 26, 2007